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16 XOFT, INC.

17
18 UNITED STATES DISTRICT COURT
19 NORTHERN DISTRICT OF CALIFORNIA
20 SAN JOSE DIVISION

21 XOFT, INC., a Delaware corporation,
22 Plaintiff,

23 v.

24 CYTYC CORPORATION, a Delaware
25 corporation, and PROXIMA
THERAPEUTICS, INC., a Delaware
corporation,

Defendants.

Case No. C 05-05312 RMW RS

**STIPULATION REGARDING
REQUEST FOR AN ORDER
CHANGING TIME PURSUANT TO
CIVIL L.R. 6-2 AND ORDER THEREON**

**Judge: Hon. Richard Seeborg
Ctrm: 4, 5th Floor
Date: June 27, 2007
Time: 9:30 a.m.**

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27
28
AND RELATED COUNTERCLAIMS.

STIPULATION

2 1. Due to a complete power failure on Wednesday, June 13, 2007, that affected the
3 Irvine, California office of counsel for Plaintiff Xoft, Inc. (“Xoft”), Xoft contacted Defendants
4 Cytac Corporation, and Proxima Therapeutics, Inc. (“Defendants”) to stipulate to a one (1) day
5 extension of time, until Thursday, June 14, 2007, for Xoft to file its Reply Memorandum In
6 Support Of Xoft, Inc.’s Motion To Compel Cytac To Provide Verified Responses Without
7 Objection To Xoft’s First Set Of Interrogatories, Including (But Not Limited To) Interrogatories
8 19 & 26-37 (“Reply”).

2. Defendants agreed to Xoft's request.

10 3. The parties, through their respective counsel of record as reflected by the
11 signatures below, subject to the approval of the Court, hereby stipulate, agree, and jointly
12 apply to the Court, pursuant to Civil L.R. 6-2 for an Order allowing Xoft to file its Reply no
13 later than Thursday, June 14, 2007. A form of proposed Order is filed herewith.

Respectfully submitted,

16 DATED: June 14, 2007

ORRICK, HERRINGTON & SUTCLIFFE

By: s/Thomas J. Gray/
Thomas J. Gray

Attorneys for Plaintiff Xoft, Inc.

DATED: June 14, 2007

HOWREY LLP

By: s/ Henry Su/

Attorneys for Defendants Cytac Corporation, and
Proxima Therapeutics, Inc.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED: That Plaintiff Xoft, Inc. may file its Reply Memorandum In Support Of Xoft, Inc.'s Motion To Compel Cytvc To Provide Verified Responses Without Objection To Xoft's First Set Of Interrogatories, Including (But Not Limited To) Interrogatories 19 & 26-37 no later than Thursday, June 14, 2007.

IT IS SO ORDERED

DATED: June 18, 2007

A blue ink signature of the name "Richard Schaefer" in a cursive, flowing script. The signature is written across two lines of a horizontal ruled surface, with the first name on the top line and the last name on the bottom line.

Hon. Richard Seeborg
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on **June 14, 2007**, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send electronic notification of such filing to the following individual(s):

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Henry C. Su
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **June 14, 2007**, at Irvine, California.

s/Thomas J. Gray/
Thomas J. Gray